

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NIMBUS THERAPEUTICS, LLC and  
NIMBUS LAKSHMI, INC.,

Plaintiffs and Counter-  
defendants,

v.

CELGENE CORPORATION and  
BRISTOL-MYERS SQUIBB COMPANY,

Defendants and Counter-  
claimants.

**Case No. 1:21-cv-6850**

**Civil Action**

**NOTICE OF COUNTER-CLAIMANT CELGENE CORPORATION'S MOTION  
FOR A PRELIMINARY INJUNCTION**

**PLEASE TAKE NOTICE** that upon the Memorandum of Law, the Declaration of Elizabeth Mily, dated September 15, 2021, and the exhibits annexed thereto, the Court's order of September 13, 2021, granting leave to file this motion, and all the pleadings and proceedings in this matter, Defendant and Counter-claimant Celgene Corporation will, and hereby does, move this Court, before the Honorable Jed S. Rakoff, United States District Judge, on **October 12, 2021, at 2:00 p.m.** at Courtroom 14B, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rule 65 of the Federal Rules of Civil Procedure, granting a preliminary injunction against Plaintiffs and Counter-defendants Nimbus Therapeutics, LLC and Nimbus Lakshmi, Inc., as follows:

1. That until entry of a final judgment on the merits in this action or until further order of the Court, Nimbus Therapeutics, LLC and Nimbus Lakshmi, Inc., their officers, directors, agents, servants, employees, attorneys, affiliates, and all others in active concert or participation

with Plaintiffs, be restrained and enjoined from taking any actions inconsistent with the 2017 Warrant to Purchase Stock, including but not limited to, selling or otherwise transferring interests in the Tyk2 Asset or Nimbus Lakshmi to third parties;

2. That until entry of a final judgment on the merits in this action or until further order of the Court, the deadlines under the 2017 Warrant to Purchase Stock, including but not limited to the Warrant Exercise Period and the Warrant Expiration Date, are tolled and extended from the date when Nimbus Lakshmi unilaterally claimed that the 2017 Warrant to Purchase Stock was terminated on August 13, 2021;

and granting other and further such relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the agreement of the parties, as approved by order of the Court on September 13, 2021, responding papers are due on **September 28, 2021**, and replies, if any, are due on **October 5, 2021**.

DATED: New York, New York  
September 15, 2021

Respectfully submitted,

/s/ Yosef J. Riemer

Yosef J. Riemer, P.C.  
Matthew Solum, P.C.  
Devora Allon, P.C.  
Jeffrey Goldfine  
Joseph M. Sanderson  
Amal El-Bakhar  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022  
Phone: (212) 446 4800  
Fax: (212) 446 4900  
yriemer@kirkland.com  
msolum@kirkland.com  
devora.allon@kirkland.com  
jeffrey.goldfine@kirkland.com  
joseph.sanderson@kirkland.com  
amal.elbakhar@kirkland.com

*Counsel for Counter-claimant Celgene  
Corporation*